

REMARKS

Claims 1-26 were pending in the application and all were rejected. Applicant has canceled claim 8 and amended claims 1-3, 9, and 10. Support for the claim amendments can be found in Applicant's disclosure as published in United States Patent Publication No. 2005/0070302, specifically at paragraphs [0013], [0017], and [0020]. Applicant requests reconsideration of the rejections in view of the amendments and the following remarks.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

The Office Action rejected claims 1, 2, 5-10, 13-16, 18, 21, 22, and 24-26 under 35 USC 102(c) as being anticipated by Zegelin (US 2005/0185615), recently discovered.

Applicant respectfully traverses this rejection. Claim 1 is not anticipated by Zegelin because Zegelin does not disclose all of the claim elements of claim 1; therefore it cannot be an anticipatory reference. The claimed subject matter provides a system for determining an improved position for signal strength within the purview of one access point. Zegelin, on the other hand, is concerned with "Selection of an access point for association with a mobile unit." See paragraph [0005]. Zegelin's invention basically "shops around" for an optimal access point. See paragraph [0010]: "Collisions of packets transmitted by said mobile units to an associated access point are avoided by assigning mobile units in a first selected portion of the area to a first channel and assigning mobile units a second selected portion of the area to a different channel."

Zegelin does not teach or suggest the claimed element of "a target position for improved

communication for the wireless unit based in part on historical data on received signal strength at the recent and target positions.” Zegelin in fact, teaches away from this limitation because Zegelin ignores the recent position of the wireless unit. See paragraph [0019] “An initial decision on requesting association with an access point can be based on the signal strength of the beacon signals from the available access points that are within range of the mobile unit.....The decision on association may be based on selection parameters such as signal strength, traffic volume currently handled by an access point, and user priority. If an access point or a computer controlling the access point such as a cell controller, does not want to grant association to a mobile unit association can be refused and the mobile unit will thereafter request association with another access point.”

Further, Zegelin does not discuss “transmitting the directions to a user of the wireless unit, the directions including information directing the user of the wireless unit to move the wireless unit to the target position for improved reception” because Zegelin is only concerned with selecting an access point for association. On pages 6 and 7, the Office Action concedes that Zegelin “fails to disclose further comprising an input/output interface for presenting the user with information on the target position” as now recited in claim 1.

Claims 2 and 5 are dependent on claim 1; therefore, they are not anticipated by Zegelin for at least the same reasons that claim 1 is not anticipated by Zegelin.

Claim 10 contains the limitation of “using a transceiver for providing information to the wireless client, the information comprising the target position and navigation directions to the

target position.” This is not taught by Zegelin; therefore Zegelin does not anticipate claim 10.

Claims 13-16 are dependent on claim 10; therefore they are not anticipated by Zegelin for at least the same reasons that claim 10 is not anticipated by Zegelin.

Claim 18 is a computer program counterpart to claim 10 and contains similar limitations to those of claim 10; therefore claim 18 is not anticipated by Zegelin.

Claim 21 is dependent on claim 18; therefore claim 21 is not anticipated by Zegelin for at least the same reasons that claim 18 is not anticipated by Zegelin.

Claim 22 contains limitations as in claims 1 and 10 which are not discussed in Zegelin; therefore claim 22 is not anticipated by Zegelin for at least the foregoing reasons.

Claims 24 and 26 are dependent on claim 22; therefore they are not anticipated by Zegelin for at least the same reasons that claim 22 is not anticipated by Zegelin.

CLAIM REJECTIONS UNDER 35 USC 103

The Office Action rejected claims 3, 4, 8, 11, 12, 19, 20, and 23 under 35 USC 103(a) as being unpatentable over Zegelin, in view of Rappaport, et al. (US 2006/0015814).

Claim 3 is not unpatentable over Zegelin in view of Rappaport because neither reference teaches nor suggests a wireless unit having a location determining mechanism such as a global positioning system for determining the position of a wireless unit that may be moving. The Office Action at page 6 concedes that Zegelin fails to disclose a global positioning system.

Rappaport fails to disclose a GPS integrated into a wireless unit for determining location of the moving object.

Claim 4 is dependent on claim 1 which is patentable over the cited references; therefore claim 4 is also patentable over the cited references.

Claim 8 has been canceled, thus mooted its rejection.

Claims 11 and 12 are dependent on claim 10 which is patentable over the cited references; therefore claims 11 and 12 are also patentable over the cited references.

Claims 19 and 20 are dependent on claim 18 which is patentable over the cited references; therefore claims 19 and 20 are also patentable over the cited references.

Claim 23 is dependent on claim 22 which is patentable over the cited references; therefore claim 23 is also patentable over the cited references.

The Office Action rejected claim 17 under 35 USC 103(a) as being unpatentable over Zegelin in view of Schipper et al. (Schipper) US 6,038,444.

Claim 17 is dependent on claim 10; therefore it is patentable for at least the same reasons that claim 10 is patentable.

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims.

Respectfully submitted,

/Michael J. Buchenhorner/

Michael J. Buchenhorner

Reg. No. 33,162

E-Filed on Date: November 25, 2008

Michael Buchenhorner P.A.
8540 SW 83 Street
Miami Florida 33143
Telephone: (305) 273-8007
Fax: (305) 595-9579